

EV620765888US

NP/1 CIP DIV

IN THE UNITED STATE PATENT AND TRADEMARK OFFICE

Application No. : 09/942,463
Confirmation No. : 9750
Applicant : Nikos Panayotatos
Filed : August 29, 2001
Group Art Unit : 1615
Examiner : Carlos A. Azpuru

For : THE USE OF PROTEIN OCCLUSION FOR THE
SELECTIVE DELIVERY OF SMALL MOLECULES TO
TARGETS

New York, New York
August 1, 2006

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.137(b) AND (c)
TO REVIVE AN UNINTENTIONALLY ABANDONED PATENT APPLICATION

Sir:

Applicant hereby petitions under 37 C.F.R. § 1.137(b) and (c) to revive the above-unintentionally abandoned patent application and to file a continuing application of the above application.

Applicant authorizes the Director to charge \$750 in this application to Deposit Account No. 06-1075, Order No. 002861-0001. This is the small entity fee required for this Petition under 37 C.F.R. § 1.17(m). A duplicate copy of this Petition is enclosed.

08/04/2006 EFLDRES 00000088 061075 09942463
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STATEMENT OF FACTS

Applicant, Dr. Nikos Panayotatos, is a self-employed, individual inventor.

Applicant through his representative, Craig Rochester, then an associate at Ropes & Gray LLP, filed a Notice of Appeal in this application on October 17, 2005. That Notice appealed the April 15, 2005 Final Rejection. It was filed with a Petition for a three-month extension of time and the required extension fee (October 15, 2005 was a Saturday). Hence, the Notice of Appeal was properly and timely filed.

An Appeal Brief or other action was due in this application two months from the filing of the Notice of Appeal, that due date being extendible by five (5) months upon petition and payment of the required fee. Hence, the last date for filing an Appeal Brief or taking other action in this application was May 15, 2006.

Mr. Rochester left Ropes & Gray to take a position in-house in Seattle on May 4, 2006. As of that date, he appears to have taken no action, subsequent to the filing of the Notice of Appeal, in this application.

When I learned that the application may have gone abandoned in early June 2006, I contacted Dr. Panayotatos. He informed me that he had not instructed Mr. Rochester, or anyone else to abandon this application. Indeed, to the contrary, he had asked Mr. Rochester to file a continuing application so that prosecution could be continued before the Examiner. I have also spoken to Mr. Rochester. He confirms that Dr. Panayotatos never instructed him to abandon this application, but asked that a continuation be filed. Mr. Rochester said that the filing of the requested application must have fallen through the cracks as he was leaving the firm.

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STATEMENT

The entire delay in filing the required Appeal Brief or taking other action in this application from the May 15, 2006 due date until the filing of this Petition was unintentional.

CONCURRENTLY FILED DOCUMENTS

Concurrently with this Petition, applicant has petitioned for a five (5) month extension of time to file his Appeal Brief or to take other action in this case and paid the required small entity extension fee. Applicant has also concurrently filed a continuing application and paid the required filing fees.

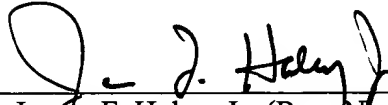
The Director is hereby authorized to charge any additional fee that may be due, or to credit any overpayment, in connection with this Petition, to Deposit Account No. 06-1075, Order No. 002861-0001.

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CONCLUSION

Applicant requests favorable consideration and grant of this petition.

Respectfully submitted,



James F. Haley, Jr. (Reg. No. 27,794)

Attorney for Applicant

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